

# 1. Introduction

## 1.1 Purpose

This document is the finalizing addendum to the Draft Environmental Impact Report (Draft EIR) prepared for the consideration of a new lease by the California State Lands Commission (CSLC) for the Shore Terminals LLC Martinez Marine Terminal Project.

This Final EIR has been prepared for the CSLC pursuant to the California Environmental Quality Act (the CEQA) (Section 21000 et seq., California Public Resources Code) and in accordance with the *Guidelines for the Implementation of the California Environmental Quality Act* (the CEQA *Guidelines*) (Section 15000 et seq., California Code of Regulations, Title 14). The CEQA *Guidelines* stipulate that an EIR must be prepared for any project that may have a significant impact on the environment. The Shore Terminals LLC Martinez Marine Terminal Project is a “project” as defined by the *Guidelines*. Upon preliminary review, the CSLC determined that the Shore Terminals LLC Martinez Marine Terminal Project may have a significant adverse impact on the environment and, therefore, an EIR is required.

This document, together with the Draft EIR prepared in May 2004, constitute the Final EIR for the proposed Project. The CSLC, as the Lead Agency for this proposal, is required by Section 15089 of the CEQA to prepare a Final EIR. The Final EIR will be used by the CSLC as part of its approval process, including setting the conditions of the lease agreement, and incorporating mitigation measures for project implementation. A Mitigation Monitoring and Reporting Program is incorporated in Section 8.0 of the Draft EIR, with revisions shown in Section 4 of this Final EIR.

## 1.2 Organization of Final EIR

As required by Section 15132 of the CEQA *Guidelines*, the Final EIR consists of the following elements:

- The Draft EIR.
- A list of persons, organizations, and public agencies commenting on the Draft EIR (Section 2).
- Comments and recommendations received on the Draft EIR (Section 3).
- Responses to significant environmental points raised in the review and consultation process (Section 3).
- Revisions to the Draft EIR (Section 4).

Additional information is also provided, including a description of the public hearing (Section 2).

### 1.3 Decision Making Process

The CSLC is the lead agency for this Final EIR because the Commission has jurisdiction over tidelands utilized by the Shore Terminals LLC Martinez Marine Terminal Project. The CSLC will use the Final EIR in its decision-making process in determining whether or not to issue a lease of State lands for construction and operation of the proposed Project. The CSLC must certify that:

- The Final EIR has been completed in compliance with the CEQA;
- The Final EIR was presented to the CSLC in a public meeting and the CSLC reviewed and considered the information contained in the Final EIR prior to considering the proposed Project; and
- The Final EIR reflects the CSLC's independent judgment and analysis (CEQA *Guidelines* Section 15090).

In conjunction with certification of the Final EIR, the CSLC must prepare one or more written findings of fact for each significant environmental impact identified in the document. These findings must either state that:

- The project has been changed (including adoption of mitigation measures) to avoid or substantially reduce the magnitude of the impact;
- Changes to the project are within another agency's jurisdiction and have been or should be adopted; or
- Specific considerations make mitigation measures or alternatives infeasible.

If any of the impacts identified in the EIR cannot be reduced to a level that is less than significant, the CSLC may issue a Statement of Overriding Considerations for approval of the project if specific social, economic, or other factors justify a project's unavoidable adverse environmental effects. If the CSLC decides to approve a project for which a Final EIR has been prepared, the CSLC will issue a Notice of Determination.